



COMMITTEE ON FISHERIES

Thirty-fourth Session

1–5 February 2021

PROPOSAL FOR A NEW SUB-COMMITTEE ON FISHERIES MANAGEMENT

Executive Summary

This document presents background on the establishment of a new sub-committee on fisheries management, provides an overview of the role of the Committee on Fisheries and existing sub-committees, and summarizes discussions of the Joint Task Force for Investigation of the Proposal to Establish a New Sub-Committee on Fisheries Management, which proposes to continue the consultation process regarding possible options for a new sub-committee, including the review of the current COFI process in a more transparent manner and with wider participation, toward the 35th Session of COFI in 2022.

Suggested action by the Committee

The Committee is invited to:

- note the consultation process initiated during the last inter-sessional period;
- recognize the relevant Terms of Reference and level of representation of COFI and the two sub-committees;
- recall the importance of COFI's position as the only global inter-governmental forum where major international fisheries and aquaculture issues and recommendations are discussed;
- acknowledge the importance of having technical discussions on trade, aquaculture and fisheries management prior to these themes being presented at COFI; and
- provide additional guidance on the consultation process including the format of and participation in relevant meetings, and options put forth.

Queries on the substantive content of this document may be addressed to:

Mr Hiromoto Watanabe
Senior Fishery Officer
Email: Hiromoto.Watanabe@fao.org

I. BACKGROUND

1. During the 8th Meeting of the Bureau of the 33rd Session of the FAO Committee on Fisheries (COFI) in April 2018, the representative of the Netherlands, on behalf of Norway, proposed discussing a new sub-committee for fisheries during COFI 33.

2. During COFI 33, the matter was first raised under agenda item 4, State of World Fisheries and Aquaculture, when Norway proposed a sub-committee on fisheries management, which would include small-scale fisheries management¹. The Committee "expressed strong interest in discussing the establishment of a sub-committee on fisheries management in order to assist the international community, especially developing States"².

3. The issue was addressed again in more detail under agenda item 14.2, Any other matters, when Norway explained the importance of establishing a new sub-committee on fisheries management for several reasons: (1) the current COFI process does not allow for the in-depth discussion on the many topics deserve, such as the Voluntary Guidelines for the Flag State Performance; (2) the new sub-committee on fisheries management would also allow COFI to address the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries (SSF Guidelines) on a regular basis and to discuss matters of principle, and cross cutting themes, such as climate change and food security; and (3) taking into consideration that several members supported strengthening ocean governance, the new sub-committee on fisheries management would be useful given the increased complexity of ocean governance³.

4. Based on the Norwegian proposal "the Committee requested the Secretariat, in close cooperation with the Bureau, and mindful of the rules of procedure for establishing subsidiary bodies, to develop a proposal for the possible establishment of a new sub-committee on fisheries management, to be submitted for the consideration of Members at the next session of COFI. The Committee underlined that the proposal should elaborate on all relevant aspects, including financial and administrative implications and terms of reference for such a sub-committee, including identifying ways to achieve efficiencies and avoid duplication with other COFI sub-committees. The Committee noted that such a sub-committee could include a standing agenda item on sustainable small-scale fisheries (SSF). The document should be available at least six months prior to the Thirty-fourth Session of COFI"⁴.

5. During the 1st Meeting of COFI 34 Bureau (BM 1), held on 13 July 2018, the following key points were raised:

- to address the matter of establishing a new sub-committee in future Bureau meetings;
- to clarify what was expressed during the session of COFI 33 on this matter;
- to prepare an outline of the document to be submitted to COFI 34;
- to examine available options; and
- to prepare a summary of related discussions and outcomes of COFI 33.

6. Following the Chairperson's proposal during BM 1, the Secretariat established an internal Task Force to address relevant issues and recommendations. During the 2nd Meeting of COFI 34 Bureau (BM 2) on 29 November 2018, the internal Task Force proposed to establish a Joint Task

¹ Supported by Senegal, Iceland, Japan, India, Argentina, USA, Saint Kitts and Nevis, South Africa and Somalia

² Paragraph 11 of the Report of the Thirty-third Session of the Committee on Fisheries, Rome, 9-13 July 2018 (FIAP/R1249)

³ The United States of America and Japan expressed strong support and many others also expressed support, while some Members (South Sudan, Kuwait) expressed some concerns. A few Members (EU, New Zealand, China, and Afghanistan) requested further consideration in particular with regards the terms of reference, particularly in relation to the existing two sub-committees, financial and administrative implications and the legal process to follow.

⁴ Paragraph 128 of the Report of the Thirty-third Session of the Committee on Fisheries, Rome, 9-13 July 2018 (FIAP/R1249)

Force for Investigation of the Proposal to Establish a New Sub-Committee on Fisheries Management (JTF) with representatives of the Bureau of COFI 34, with the following terms of reference:

- to analyze relevant discussions during and after COFI 33;
- to investigate potential options, including the establishment of a new sub-committee, addressing the issues behind the proposal in consideration, including the relationship with existing bodies, the relevant legal processes, and administrative and financial implications; and
- to propose the best ways forward for further consideration by the Bureau of COFI 34.

7. BM 2 agreed to establish the JTF with representatives of the Bureau (Chile, New Zealand, and Norway – as the original proposer as proposed by Iceland) and the Secretariat, with terms of reference proposed by the Secretariat. Informal consultations of the JTF were organized as follows: 1st meeting (JTF 1) on 25 and 26 March 2019⁵; and 2nd meeting (JTF 2) on 14 June 2019⁶. The outcomes were reported to the 3rd Meeting of COFI 34 Bureau (BM 3), held on 20 June 2019, that there was no consensus on the options.

8. BM 3 decided to organize the 3rd Meeting of JTF (JTF 3) with broader participation and requested the Secretariat to prepare a document to reply to all questions raised so far in the JTF meetings and any additional questions from Bureau Members.

9. JTF 3 was held on 23 September 2019⁷ where a new Non-Paper was introduced by the Secretariat. No consensus was reached on proposed options. JTF 3 recommended that COFI 34 should continue the consultation process, including the review of the current COFI process, in a broader and more transparent manner.

II. THE ROLE OF COFI AND THE TWO EXISTING SUB-COMMITTEES

10. The FAO Committee on Fisheries (COFI) is considered the most important international forum at the global level for policy debate and the adoption of policy instruments in the fisheries and aquaculture sector. However, fisheries issues now feature on the agenda of numerous international organizations, including non-governmental organizations (NGOs), where policy is developed. Increased attention to fisheries is in itself positive. Nevertheless, it also means that COFI's role, as the main platform for developing global normative instruments, must be strengthened. Fisheries management is faced with more complicated challenges today than used to be the case. Therefore, COFI needs to emphasize the technical discussion on fisheries management at the global level.

11. The COFI was established at the Thirteenth Session of the FAO Conference in 1965 in order:

- to review the programme of work of the Organization in the field of fisheries and their implementation;
- to conduct periodic general reviews of fishery problems of an international character and appraise such problems and their possible solutions with a view to concerted action by nations, by FAO and by other intergovernmental bodies;
- to similarly review specific matters relating to fisheries referred to the Committee by the Council or the Director-General, or placed by the Committee on its agenda at the request of a Member Nation in accordance with the rules of procedure of the Committee, and make recommendations as may be appropriate;

⁵ The minutes of JTF 1 is available as COFI/2020/SBD.1.

⁶ The minutes of JTF 2 is available as COFI/2020/SBD.2.

⁷ The minutes of JTF 3 is available as COFI/2020/SBD.3

- to consider the desirability of preparing and submitting to Member Nations an international convention under Article XIV of the Constitution to ensure effective international co-operation and consultation in fisheries on a world scale; and
- to report to the Council or tender advice to the Director-General, as appropriate, on matters considered by the Committee⁸.

12. COFI, as the only global inter-governmental forum to examine major international fisheries and aquaculture issues, helps guide and steer policy and high-level technical discussions on issues already explored in-depth at sub-committees. This is clearly observed when dealing with trade and aquaculture, but not fully sufficiently for fisheries management. Due to the absence of such a technical body, as in cases of trade and aquaculture, COFI has been expected to have such technical debate in depth as well on fisheries management, particularly taking into consideration that several member countries support strengthening ocean and inland water governance. The experience from the existing two sub-committees may indicate that they have provided an opportunity to address technical issues more in depth and could free up time in COFI to discuss more policy related issues.

13. Attendance at COFI meetings has increased quite considerably over time, with 725 participants registered at the 2018 meeting (Appendix 1). Likewise, the number of observers has increased, more or less in the same proportion of the increase in participation. The number of countries represented is typically between 110-120, with some variation from year to year.

14. The number of minister-level participants⁹ varies considerably: from 15 in 2012 to 23 in 2014, to 24 in 2016, then down to 16 in 2018¹⁰. When looking at the participation over the period 2001-18, no particular pattern can be observed. Nevertheless, it appears likely that attendance is closely related to the topics on the agenda of COFI. However, ministerial presence at FAO technical committees has traditionally been limited, given the technical nature of the agenda.

15. The COFI agenda usually consists of three components:

- Procedural items: the formal opening, adoption of the agenda and arrangements, designation of the drafting committee and election of the COFI Bureau for the next session, date and place for the next session and adoption of the Report;
- Standing items: the status of world fisheries and aquaculture, the progress in the implementation of the Code of Conduct for Responsible Fisheries (CCRF) and related instruments, the adoption of the reports of the two sub-committees, the presentation of the Departmental programme work and budget for the upcoming biennium as well as Multi-year Programme of Work (MYPOW); and
- Issues: in the past sessions, a number of issues were treated in COFI, including Illegal, Unreported and Unregulated (IUU) Fishing, SSF and global and regional processes in the field of fisheries and aquaculture. Cross-cutting issues such as climate change, biodiversity, nutrition and the 2030 Agenda for Sustainable Development are also areas of focus.

16. In particular, increased attention to cross-cutting issues imposes more pressure on COFI, which implies that less time is available for fisheries-related matters, even though with unavoidable evening sessions.

⁸ [http://www.fao.org/3/46140E/46140e0c.htm#amendment of article v of the constitution committee on fisheries](http://www.fao.org/3/46140E/46140e0c.htm#amendment%20of%20article%20v%20of%20the%20constitution%20committee%20on%20fisheries)

⁹ Includes ministers, vice-ministers and undersecretaries from the capitals.

¹⁰ It is particularly interest to observe that in 2018, COFI had in its agenda a considerable number of technical documents in the area of capture fisheries.

17. Currently COFI has two sub-committees¹¹ – the Sub-Committee on Fish Trade (SCFT)¹² and the Sub-Committee on Aquaculture (SCA)¹³ established in 1985 and 2001 respectively, in accordance with Rule XXX.10 of the General Rules of the Organization and Rule VII of the COFI Rules of Procedure.

18. These Sub-Committees on Aquaculture and Fish Trade have specific mandates and terms of reference (Appendix 2). Taking into consideration the horizontal aspects of international trade, SCFT covers technical and economic aspects applicable to both aquaculture and capture fisheries. SCA embodies technical and policy matters related to aquaculture.

19. The discussions of the two existing Sub-Committees contribute to the quality of the discussion at COFI. If there is no controversial issue at the Sub-Committee level, COFI can simply endorse their reports, which saves considerable time. If there are any issues calling for discussion at COFI, the Sub-Committees can do so in a separate COFI document, prepared in addition to the reports.

20. Nevertheless, there are some technical issues not covered by the existing two Sub-Committees. These include IUU Fishing, SSF and global and regional processes in the fields of fisheries management and the implementation of the CCRF and related instruments in the domain of fisheries management, among others.

III. SUMMARY OF DISCUSSION AT THE MEETINGS OF THE JOINT TASK FORCE FOR INVESTIGATION OF THE PROPOSAL TO ESTABLISH A NEW SUB-COMMITTEE ON FISHERIES MANAGEMENT

21. While there was no consensus on options proposed and discussed, the JTF reached the following agreed points for further consultation:

- COFI should focus more on strategic and policy issues to support its role as a leader in global technical fisheries issues, in particular about capture fisheries. It needs, therefore, to strengthen and improve its role as a policy decision-making body;
- The work on the management of capture fisheries should be properly addressed at the technical level in order to allow COFI to focus more on strategic and policy issues;
- The momentum to find a concrete solution to guarantee this better preparation should be maintained;
- The re-arrangements of the current framework and/or the establishment of a possible new sub-committee could be advantageous in preparing COFI's work and technical discussion on capture fisheries;
- No duplication of themes should exist between governing bodies, with the themes being addressed in the most appropriate one, considering the terms of reference and the agenda items of the existing sub-committees and COFI, aiming to improve efficiency in the handling of capture fisheries issues by the COFI;
- The improvement of COFI's work with regard to capture fisheries should also take into consideration ways to strengthen the relationship with Regional Fisheries Management Organizations (RFMOs), including no duplication of work at the regional level;
- An evaluation mechanism, where the system is reviewed periodically (e.g., every five years) should be introduced, if the new sub-committee is agreed; and

¹¹ In FAO, there are other committees with larger number of subsidiary bodies - for example, the Committee on Commodity Problems (CCP) has 10 subsidiary bodies established Rule XXIX.10 of the General Rules of the Organization and Rule VII of the CCP Rules of Procedure – Available at <http://www.fao.org/unfao/govbodies/gsbhome/ccp/en>

¹² Available at <http://www.fao.org/unfao/govbodies/gsb-subject-matter/statutory-bodies-details/en/c/104/>

¹³ Available at <http://www.fao.org/unfao/govbodies/gsb-subject-matter/statutory-bodies-details/en/c/333/>

- Pending the option chosen, a funding mechanism to facilitate the participation of developing countries in technical discussions in the new sub-committee could be considered.

22. During meetings of the JTF, the implication of costs and representation/staffing was highlighted. Certain delegations also confirmed that they would have difficulties in following-up more meetings in terms of financial and human resources. Therefore, future analysis should take into consideration (1) the cost of participation for delegates, particularly for developing countries; and (2) the need to include different country experts, due to the singularities of the themes to be covered.

23. During meetings of the JTF, the following options were proposed:

Option A: To enhance the utilization of the existing bodies (COFI and the two Sub-Committees – SCFT and SCA)

- To have discussions on fisheries management in a separate session back-to-back with the session of one of the Sub-Committees;
- To have discussion on fisheries management in a separate session back-to-back with the session of COFI, with a shortened period of the session of COFI, if necessary; and
- To keep the status quo and having the discussion on fisheries management being carried out at the plenary session during COFI.

Option B: To keep two sub-committees, but rearrange the Terms of Reference, as appropriate, to include capture fisheries management into one of the sub-committees

Option C: To create a specific and new sub-committee on fisheries management (SCFM)

24. A more comprehensive and in-depth analysis of these options, based on future meetings of the JTF, and with a wider participation in a transparent manner, towards the 35th Session of COFI, is proposed, including intermediary reporting of results to the COFI Bureau.

(APPENDIX 1)**MEETINGS AND BUDGETS**

1. This appendix provides information on attendance and cost for COFI meetings and the current Sub-Committees.

Meetings

2. Information on meetings is provided in Tables 1-3. The number of participants reflects only those who were present. Pre-registered delegates who did not attend are not included.

3. Attendance at COFI meetings has increased in recent sessions, with 725 participants registered at the 2018 meeting. Likewise, the number of observers has grown. The number of countries represented is typically between 110-120, with variations from year to year.

4. For SCFT, the number of participants exceeded 130 in both 2014 and 2016, with about 50 countries represented. Participation at the 2017 meeting held in Busan, South Korea, was substantially lower; partly due to the tense situation on the Korean peninsula at the time, which led to some countries imposing travel restrictions.

5. For SCA, up to 2015 the number of participants was 100-120, with an average of 50 countries represented. In 2017, when the meeting was held in Rome, the number of participants reached a record of 190 from 89 countries.

Table 1: COFI meetings – last 10 sessions

Year	Total no of participants	No of member countries	No of minister level Participants (*)	No of observers
2018	725	107	16	104
2016	642	113	24	84
2014	634	110	23	77
2012	530	120	15	70
2011	564	115	17	77
2009	523	110	9	73
2007	560	121	14	72
2005	507	129	22	67
2003	401	120	14	67
2001	406	106	7	59

* Includes ministers, vice-ministers and undersecretaries from the capitals.

Table 2: Sub-Committee on Fish Trade meetings – last seven sessions

Year	Location	Total no of participants	No of member countries	No of observers
2017	Busan	81	34	4
2016	Agadir	134	47	15
2014	Bergen	131	53	14
2012	Hyderabad	94	40	8
2010	Buenos Aires	99	38	9
2008	Bremen	107	52	10
2006	Santiago de Compostela	157	61	20

Table 3: Sub-Committee on Aquaculture meetings – last nine sessions

Year	Location	Total no of participants	No of member countries	No of observers
2017	Rome	190	89	17
2015	Brasilia	98	49	9
2013	St Petersburg	121	51	10
2012	Cape Town	109	47	10
2010	Phuket	149	58	6
2008	Puerto Varas	92	38	10
2006	New Delhi	103	48	9
2003	Trondheim	113	64	8
2002	Beijing	105	49	10

Budgets

6. The costs for hosting the last four COFI meetings have exceeded USD 500,000 each, with close to 90 percent associated to translation, printing and interpretation.

7. The general cost of the host country for the SCA is between USD 250,000-300,000, including travels for FAO staff and interpreters, interpreters' salaries and translations of all SCA documents into the five official FAO languages and local logistics. The Rome meeting similar, minus the travel. Travel support for developing countries is, however, not included.

8. As for SCFT, the budget for a meeting at HQ is estimated at USD 235,000, which increases to USD 340,000 for a meeting in a host country, noting that meetings at HQ entail no travel costs for FAO staff and interpreters nor travel costs for developing countries subsidized.

9. In the budget, support for travel costs for 20 countries is included at an average cost of USD 3,750 per person.

10. It can be noted that overall translation and interpretation costs are higher for COFI than the Sub-Committees, primarily due to the lower number of documents prepared for the Sub-Committees.

(APPENDIX 2)**TERMS OF REFERENCE OF THE EXISTING COFI SUB-COMMITTEES****Sub-Committee on Fish Trade (SCFT)**¹⁴

1. The Sub-Committee shall provide a forum for consultations on technical and economic aspects of international trade in fish and fishery products including pertinent aspects of production and consumption. In particular, the work of the Sub-Committee will include:

- periodic reviews on the situation and outlook of principal fishery commodity markets covering all factors influencing them;
- on the basis of special studies, discussion of specific fish trade problems and possible solutions;
- discussion of suitable measures to promote international trade in fish and fishery products and formulation of recommendations to improve the participation of developing countries in this trade, including trade-related services;
- in conjunction with the FAO/WHO Codex Alimentarius Commission, formulation of recommendations for the promotion of international quality standards and the harmonization of quality control and inspection procedures and regulations; and
- consultation and formulation of recommendations for economically-viable fishery commodity development, including processing methods, the upgrading of products and production of final products in developing countries.

Sub-Committee on Aquaculture (SCA)¹⁵

2. The Sub-Committee shall provide a forum for consultation and discussion on aquaculture and advise COFI on technical and policy matters related to aquaculture and on the work to be performed by the Organization in the subject matter field of aquaculture. In particular, the Sub-Committee shall:

- identify and discuss major issues and trends in global aquaculture development;
- determine those issues and trends of international importance requiring action to increase the sustainable contribution of aquaculture to food security, economic development and poverty alleviation;
- recommend international action to address aquaculture development needs and, in this regard (1) to advise on mechanisms to prepare, facilitate and implement action programmes identified, as well as on the expected contribution of partners; (2) to advise on the liaison with other relevant groups and organizations with a view to promoting harmonization and endorsing policies and actions, as appropriate; (3) to advise on the strengthening of international collaboration to assist developing countries in the implementation of the Code of Conduct for Responsible Fisheries;
- advise on the preparation of technical reviews and of issues and trends of international significance; and
- address any specific matters relating to aquaculture referred to it by its Members, the Committee on Fisheries or the Director-General of FAO.

¹⁴ <http://www.fao.org/unfao/govbodies/gsb-subject-matter/statutory-bodies-details/en/c/104/>

¹⁵ <http://www.fao.org/unfao/govbodies/gsb-subject-matter/statutory-bodies-details/en/c/333/>